IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 482(S/B) 2003

Ambrish Kumar aged about 51 years,
S/o late Sri Gyan Prakash Ji,
R/o A-32/1, I. R. I. Colony,
Left Bank Canal, Roorkee,
Distt Haridwar Presently posted
as Assistant Prosecuting Officer
at Roorkee, Distt. Haridwar. ---------- Petitioner

Versus

State of Uttaranchal and others ---------- Respondents

Mr. Ambrish Kumar, petitioner (in person).
Mr. N. B. Tiwari, learned Chief Standing Counsel.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 30.09.2003

PC:

Petitioner is working as Assistant Prosecuting Officer at Roorkee, district Haridwar for last three years. By this petition, he has challenged the order of transfer dated 08.08.2003. It is an annual transfer. Under the policy, annual transfers are to be effected by 31.07.2003. In this case, order of transfer has been issued on 08.08.2003.

It is argued that this order of transfer is contrary to the policy of the State as indicated in executive instructions. We are not inclined to interfere with the order of transfer.

Numerous petitions are being filed every day in this Court challenging the orders of transfer on the ground of violations of the executive instructions. In this connection, we would like to cite the judgment of the Supreme Court in the case of Mrs. Shilpi Bose and others Vs. State of Bihar and others reported in A. I. R. 1991 SC 532, in which the Apex Court has laid down that the High Court should not interfere in matters of transfer, even if they

violate the executive instructions because it virtually creates a chaos in the functioning of administration. This judgment squarely applies to the facts of the present case. Even assuming that there is a breach of executive instructions, which is not the case, the Apex Court has laid down that the Court should not interfere on that ground. Hence, the writ petition is rejected.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

AK: